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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/651,853	08/29/2003	David Duncan	7535.00007	8130

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GREENBERG TRAUIG
3773 HOWARD HUGHES PARKWAY
SUITE 500 NORTH
LAS VEGAS, NV 89109

EXAMINER

CHANG, SUNRAY

ART UNIT PAPER NUMBER

2121

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/651,853

Applicant(s)

DUNCAN ET AL.

Examiner

Sunray Chang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 5-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in responsive to the paper filed on September 30th, 2005.

Claims 5 – 17 are presented for examination.

Claims 5 – 17 are rejected.

Claims 1 – 4 are cancelled.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 5 – 17 are rejected** under 35 U.S.C. 102(e) as being anticipated by Mark J. Nixon (U.S. Patent No. 6,806,847, and referred to as **Nixon** hereinafter).

Regarding independent claim 5,

A system for facilities management, [provide enhanced support within a process control environment, Col. 1, Lines 11 – 14] comprising:

- a server; [host computer, Col. 4, Lines 42 – 40]

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- a client [portable computer system] in communication with the server [host computer]; [Col. 4, Lines 42 – 40]
- a personality module [module, software routine] in communication [information] with the server [host computer]; [Col. 15, Lines 8 – 20; Col. 18, Line 60 – Col. 19, Line 12]
- a user interface displayed on the client, [Fig. 7 – 14]
- the user interface designed to receive custom logic scripts from a user [manipulate the information, Col. 18, Lines 40 – 43]; [see also Col. 18, Lines 13 – 43] and
- a virtual machine [programmed ... control diagnostic activities, Col. 16, Lines 46 – 55], incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55], residing on the personality module [module, software routine], [Col. 15, Lines 8 – 20; Col. 18, Line 60 – Col. 19, Line 13]
- the virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55] designed to execute the custom logic scripts [user input received from the keypad and sends a command, Abstract; Fig. 7 – 14].

Regarding dependent claims 6, 7, 11, 12, 15 and 17,

the portals each include

- a respective set of selected field devices [device, Col. 16, Lines 46 – 55, Col. 18, Lines 36 – 43], inputs [input, Col. 18, Lines 36 – 43], outputs [the information, Col. 18, Lines 36 – 43], and a logic script [user input received from the keypad and sends a command, Abstract; Fig. 7 – 14].

Regarding dependent claim 8,

The system of claim 5, wherein:

- the personality module [module, Col. 19, Lines 2 – 13; software routine, Col. 15, Lines 8 – 20] is coupled to a field device [Fig. 6; Fig. 7 – 14]; [Col. 18, Line 60 – Col. 19, Line 13] and
- the personality module [module, software routine] stores any logic scripts [user input, Col. 18, Lines 40 – 43] related [condition] to interacting with the field device [Fig. 12].

Regarding independent claim 9,

- A system for facilities management, [provide enhanced support within a process control environment, Col. 1, Lines 11 – 14] comprising:
- an interface designed to receive customization information from a user, [a user input from the keypad and sends a command, Abstract]
- the customization information including logic scripts to be used in interacting with field devices; [Fig. 7 – 14, manipulate the information, activated, Col. 18, Lines 40 – 43]
- a virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55], incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55], for performing the logic scripts [manipulate the information, activated, Col. 18, Lines 40 – 43].

Regarding dependent claim 13,

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The system of claim 9, further including:

- a personality module [module, Col. 19, Lines 2 – 13; software routine, Col. 15, Lines 8 – 20, see also Col. 15, Lines 21 – 45] in communication [information] with at least one device [Fig. 6; Fig. 7 – 14],
- the personality module [module, software routine] including the virtual machine [graphical display, Col. 19, Lines 2 – 13]; [Col. 15, Lines 8 – 20; Col. 18, Line 60 – Col. 19, Line 12]
- a display [HUD, Col. 15, Lines 8 – 20] in communication with the personality module [module, software routine], wherein
- the interface [graphical display] is on the display [HUD].

Regarding independent claim 14,

- receiving user-defined logic scripts [user input received from the keypad and sends a command, Abstract; Fig. 7 – 14], wherein
- the logic scripts define system access policies [command];
- performing the user-defined logic scripts [manipulate the information, activated, Col. 18, Lines 40 – 43] with a virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ...control diagnostic activities, Col. 16, Lines 46 – 55] incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55].

Regarding independent claim 16,

- A machine-readable media for use in an access control system [host computer],

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- the machine-readable media including instructions [software routine] which when executed [executed] by one or more computers in an access control system [computer] cause the access control system to perform the steps of: [Col. 15, Lines 8 – 20]
- receiving user-defined logic scripts [implementing the functionality], [Col. 15, Lines 8 – 20] wherein
- the logic scripts define system access policies [functionality]; [Col. 15, Lines 8 – 20]
- performing the user-defined logic scripts with a virtual machine [graphical display, Col. 19, Lines 2 – 13; programmed ... control diagnostic activities, Col. 16, Lines 46 – 55] incorporating a programmable logic controller [the portable computer system ... being programmed to carry out field device ... activities, Col. 16, Lines 46 – 55]. [carry out field device activities, Col. 16, Lines 46 – 55]

Response to Amendment

Claim Rejections - 35 USC § 102

3. Applicants' argument regarding "the virtual machine" is disagreed with, applicants cited the definition for "virtual machine" as "a personal module manager ... when a person want to modify the parameters of the field devices to make an access control system operate in accordance with the user's own criteria ... provide functionalities to field devices ... if certain events occur." [Page 5 – 6], yet, **Nixon** discloses the personal module manager can be a graphical display, it is virtual, having the abilities to provide user a way to modify the parameters, to make an access control system operate in accordance with the user's own criteria, and to provide functionalities to field devices if certain events occur. [see Col. 16, Lines 46 – 55]

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sunray Chang whose telephone number is (571) 272-3682. The examiner can normally be reached on M-F 7:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached on (571) 272-3687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-746-3506.

Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office



Anthony Knight
Supervisory Patent Examiner
Group 3600

November 15, 2005